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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE**

ANTHONY BOLANOS,)	Case No. 3:20-CV-	()
)	In Admiralty	
Plaintiff,)		
)		
v.)		
)		
DARK STAR FISHERIES, INC., <i>in</i>)	SEAMAN'S COMPLAINT	
<i>personam</i> , and the F/V STAR GAZER,)	WITHOUT PREPAYMENT OF COSTS,	
her engines, machinery, gear, cargo,)	28 U.S.C. §1916	
fishing rights and appurtenances <i>in rem</i> ,)		
)		
Defendants.)		

Plaintiff Anthony Bolanos, through counsel Poulson & Woolford, LLC, in association with Vujasinovic & Beckcom, PLLC, alleges against the above-named defendants as follows:

1. Parties

1.1 Anthony Bolanos is a resident of Riverside County, California.

1.2 Plaintiff seeks relief under statutory and general maritime laws of the United States of America. He brings this claim for personal injuries to a seaman without prepayment of costs pursuant to 28 U.S.C. 1916.

1.3 Dark Star Fisheries, Inc., is an incorporated company that owned, and or operated, the vessel "*F/V Stargazer*". At all relevant times, the vessel was in Alaska waters.

2. Jurisdiction and Venue

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2.1 This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. The Court has subject matter jurisdiction over this action under 28 U.S.C. § 1333 which grants concurrent jurisdiction to federal courts over Jones Act Claims and the amount in controversy exceeds the jurisdictional threshold for this Court.

2.2 Personal jurisdiction is proper in this Court because the actions and inactions of Defendant occurred in the District of Alaska.

2.3 Venue is proper in this Court because the actions and inactions of Defendant occurred in Alaska.

3. Background

3.1 Anthony Bolanos sustained injuries on July 15, 2020 while working for Defendant Dark Star Fisheries, Inc. as a member of the crew of the vessel *F/V Stargazer*. On the day of the incident, Anthony Bolanos was one of four people on board. Anthony Bolanos observed that an untrained and inexperienced nineteen-year-old crewman had left a can of soup on the stovetop. When Mr. Bolanos attempted to remove the can, it exploded causing severe burns and lacerations to his eyes, neck, and chest. Mr. Bolanos sustained these severe injuries due to negligence of Defendant and the unseaworthy condition of the vessel.

4. Count One - Jones Act

4.1 Defendant Dark Star Fisheries, Inc. is Mr. Bolanos's Jones Act employer and Mr. Bolanos was an able-bodied seaman working on the vessel at the time of the injury. As such, Mr. Bolanos is protected from the negligence of Dark Star Fisheries, Inc. by the Jones Act. Mr. Bolanos's injuries were a direct result of the negligence of Dark Star Fisheries, Inc. who failed at each instance to observe fundamental health and safety concerns, including, but not limited to, failures in the provision and implementation of regular safety policies; failure in its vessel crewing operations; failures in job planning and hazard assessment; failures in the provision of safe equipment; failing to provide a safe and seaworthy vessel, and failures in its hiring, training, and supervision of the crew and captain, including Mr. Bolanos.

4.2 The negligence of Dark Star Fisheries, Inc. was a proximate cause of the occurrence in question. Defendant breached its legal duties and caused damages and injuries to Mr. Bolanos. Before being injured, Mr. Bolanos was an able-bodied seaman. Mr. Bolanos did nothing to cause or contribute to his injuries.

4.4 Dark Star Fisheries, Inc. controlled the vessel in operation on the date of the incident and at all material times. Dark Star Fisheries, Inc. also controlled the details of the work being performed on the vessel and elsewhere by the vessel's crew and had knowledge of the incompetence of the crew. Dark Star Fisheries, Inc. had the right to control and supervise the details of the procedures, equipment, devices, instructions, methods, and manner of work at all times material. Dark Star Fisheries, Inc. did not use ordinary care when supervising and controlling the work, and the failure to use ordinary care was negligent and a proximate cause of the incident and Mr. Bolanos's injuries.

4.5 Defendant was also grossly negligent and acted with malice, as that term is understood under the law, and such conduct was a proximate cause of Mr. Bolanos's injuries. Defendant's malicious and grossly negligent conduct justifies the imposition of punitive and exemplary damages both as punishment to Defendant for their callous disregard and as a deterrent to others from engaging in similar conduct. Mr. Bolanos asks for punitive and exemplary damages in addition to actual damages.

5. Count Two - Unseaworthiness

5.1 Dark Star Fisheries, Inc. is the owner of the vessel *F/V Stargazer*. Under general maritime law the owner of a vessel has a duty to provide a seaworthy vessel. In this case Dark Star Fisheries, Inc. failed to provide a seaworthy vessel which was a proximate cause of injuries to Mr. Bolanos.

6. Count Three - Maintenance and Cure

6.1 Mr. Bolanos is a Jones Act seaman and is entitled to recover maintenance and cure while he is recovering from his injuries until he reaches maximum medical improvement. Mr. Bolanos, therefore, includes in this lawsuit his legal claims for maintenance and cure, both past and future. Defendant failed to properly pay maintenance and cure. As a result of Defendant's failure to provide adequate cure,

Mr. Bolanos suffered additional damages and, therefore, is entitled to reasonable and necessary attorney fees and costs.

6.2 Further, under the authority of the U.S. Supreme Court's decision in *Atlantic Sounding v. Townsend*, 557 U.S. 404 (2009), Defendant's failure to pay maintenance and cure justifies punitive and exemplary damages.

7. Count Four - Respondeat Superior

7.1 Dark Star Fisheries, Inc. is legally responsible to Mr. Bolanos for the negligent conduct of their employees under the legal doctrines of *respondeat superior*, agency and/or ostensible agency because Defendant's employees, were at all times material hereto an agent, ostensible agent, servant and/or employee of said Defendant, and were acting within the course and scope of such agency or employment. As a result thereof, Defendant is liable for all negligence of their employees.

8. Count Five – Maritime Lien

8.1 The foregoing allegations create *bona fide* maritime liens against the "F/V *Stargazer*".

8.2 Plaintiff is entitled to perfect said liens in this proceeding by having the vessel arrested pursuant to the Federal Rules of Civil Procedure Supplemental Rules for Certain Admiralty and Maritime Claims.

9. Legal Damages

9.1 As a result of the incident, Mr. Bolanos sustained pain and mental anguish and will likely sustain pain and mental anguish in the future. Mr. Bolanos also suffered physical impairment and will likely be physically impaired in the future. Mr. Bolanos has received medical treatment and has past medical expenses. Mr. Bolanos will need continued medical treatment in the future. Defendant is financially responsible for Mr. Bolanos's medical treatment. The medical treatment has been reasonable and necessary both in terms of the procedures and treatments themselves and the costs associated with these treatments.

10. Punitive Damages

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10.1 Because Defendant failed to properly provide maintenance and cure, Mr. Bolanos brings a cause of action for punitive damages for gross and reckless decisions, acts, and/or omissions. Additionally, Defendant has been grossly negligent and punitive damages should be assessed for its gross negligence.

11. Pre-Judgment and Post-Judgment Interest

11.1 Mr. Bolanos is entitled to pre-judgment interest in accordance with law and equity as part of his damages, along with post judgment interest to the extent allowed by law.

WHEREFORE, Plaintiff requests judgment against defendants, jointly and severally, in an amount exceeding the jurisdictional limit of this Court, the exact amount to be proved at trial, for the following:

1. Maintenance, cure, wages, and found;
2. General and special damages;
3. Punitive damages;
4. A declaration that the Plaintiff holds claim to a preferred maritime lien against the Defendant vessel, her engines, machinery, fishing rights appurtenances and cargo;
5. Prejudgment and post judgment interest;
6. Attorney fees and costs as allowed by law; and
7. Such further relief as the Court deems appropriate.

DATED this 8th day of September, 2020 at Juneau, Alaska.

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VERIFICATION

Anthony Bolanos, Plaintiff herein, hereby declares under penalty of perjury, that he has read the foregoing Complaint, and the factual allegations therein are true and correct to the best of his knowledge and belief.

Dated: 9-4-2020

Anthony Bolanos
Anthony Bolanos

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